

# United States Bankruptcy Court

For the NORTHERN District of IOWA

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
**FEB 21 1991**

Chapter 7

BARBARA A. EVERLY, CLERK

Case No. L90-00814C

IN RE: JOHN D. SPORES, SR. and  
 SHERYL A. SPORES, Debtors.  
 JOHN D. SPORES, SR., and  
 SHERYL A. SPORES, Plaintiff  
 v.  
 UNITED STUDENT AID FUND  
 -----  
 IOWA COLLEGE STUDENT AID  
 COMMISSION, Intervenor Defendant

Adversary Proceeding No. L90-0131C

## JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable Michael J. Melloy, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

The issues of this proceeding having been duly considered by the Honorable Michael J. Melloy, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: That Intervenor shall recover from plaintiffs the amount of the unpaid student loan, \$2,663.12 plus interest at the rate of 8% per annum from August 31, 1989. The cost of this action shall be assessed against the plaintiffs.



[Seal of the U.S. Bankruptcy Court]

BARBARA A. EVERLY

Clerk of Bankruptcy Court

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By: Michael A. Holay  
Deputy Clerk

FEB 21 1991

BARBARA EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

JOHN D. SPORES, SR., and  
SHERYL A. SPORES,

Debtors.

-----  
JOHN D. SPORES, SR., and  
SHERYL A. SPORES,

Plaintiffs,

v.

UNITED STUDENT AID FUND,

Defendant.

-----  
IOWA COLLEGE STUDENT  
AID COMMISSION,

Intervenor.

Chapter 7  
BANKRUPTCY NO.

L-90-00814C

ADVERSARY NO.

L-90-0131C

**ORDER Denying Plaintiffs' Complaint**

A trial on the complaint of plaintiffs to have a student loan discharged as an undue hardship was held on February 20, 1991. Attorney Eldon L. Colton appeared for the plaintiffs; Assistant Attorney General Scott M. Galenbeck appeared for the Iowa College Student Aid Commission.

This Court, having heard the evidence and testimony and having considered the arguments of counsel, entered findings of fact, conclusions of law, and order on the record pursuant to Fed.R.Bankr.P. 7052. The Court found that the student loans in question are not subject to discharge as imposing an undue hardship upon the plaintiffs. This Court also indicated that judgment would be entered on the counterclaim filed by the intervenor.

IT IS THEREFORE ORDERED that plaintiffs' complaint requesting that the student loan owed to the Iowa College Student Aid Commission be discharged as an undue hardship is denied.

IT IS FURTHER ORDERED that judgment should enter in favor of the intervenor for the amount of the unpaid student loan. That judgment shall be in the amount of \$2,663.12, plus interest at the rate of 8% per annum from August 31, 1989. The cost of this action shall be assessed against the plaintiffs.

DONE AND ORDERED this 21st day of February, 1991.

  
MICHAEL J. MELLOY  
Chief Bankruptcy Judge

Copies to: *(w/ Judgment)*  
Eldon L. Colton,  
Atty for Plaintiffs;  
Scott M. Galenbeck,  
Atty for Iowa College  
Aid Commission;  
U.S. Trustee;  
this February *21*, 1991  
*Micah A. Galen*  
Deputy Clerk, U.S. Bankruptcy Court  
P.O. Box 74890  
Cedar Rapids, Iowa 52407